

Introduced by Senator Battin

February 17, 2006

An act to amend Sections 2157, 2159, and 2159.5 of, and to add Section 18108.1 to, the Elections Code, relating to voter registration.

LEGISLATIVE COUNSEL'S DIGEST

SB 1348, as introduced, Battin. Voter registration: paid circulators.

(1) Existing law requires any person who registers to vote to complete an affidavit of registration on a form that contains specified information, including, among other things, specified information in the assistor portion of the registration form about the person who assists someone to register to vote. Existing law requires that the affidavit specify that certain information shall be of a certain type size and color of ink. Use of this information for purposes other than those permitted by law is a misdemeanor.

This bill would require that the affidavit of registration contain, in a specified type size and color of ink, a statement that it is a misdemeanor for a person who assists someone to register to vote to not complete the information, or to misrepresent their assistance, in the assistor portion of the registration form. By increasing the duties of county elections officials and because a violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program.

(2) Existing law requires any person who, in exchange for money or other valuable consideration, assists another to register to vote by receiving the completed affidavit of registration from the elector, to sign his or her name and to provide other specified information, including the name and telephone number of the person, company or organization that agrees to pay money or other valuable consideration for the completed affidavit of registration.

This bill would, except as specified, make it a misdemeanor for any person as specified above who knowingly misrepresents himself or herself as having helped register another to vote on a registration form and would specify a fine not exceeding \$10,000, imprisonment in the county jail not to exceed one year, or both, for a 3rd or subsequent conviction.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2157 of the Elections Code is amended
2 to read:
3 2157. (a) Subject to this chapter, the affidavit of registration
4 shall be in a form prescribed by regulations adopted by the
5 Secretary of State. The affidavit shall *include all of the following*:
6 (1) Contain the information prescribed in Section 2150.
7 (2) Be sufficiently uniform among the separate counties to
8 allow for the processing and use by one county of an affidavit
9 completed in another county.
10 (3) Allow for the inclusion of informational language to meet
11 the specific needs of that county, including, but not limited to,
12 the return address of the elections official in that county, and a
13 telephone number at which a voter can obtain elections
14 information in that county.
15 (4) Be included on one portion of a multipart card, to be
16 known as a voter registration card, the other portions of which
17 shall include information sufficient to facilitate completion and
18 mailing of the affidavit. The affidavit portion of the multipart
19 card shall be numbered according to regulations adopted by the

1 Secretary of State. For purposes of facilitating the distribution of
2 voter registration cards as provided in Section 2158, there shall
3 be attached to the affidavit portion a receipt. The receipt shall be
4 separated from the body of the affidavit by a perforated line.

5 (5) Contain, in a type size and color of ink that is clearly
6 distinguishable from surrounding text, a statement identical or
7 substantially similar to the following:

8 “Certain voters facing life-threatening situations may qualify
9 for confidential voter status. For more information, please
10 contact the Secretary of State’s Safe At Home program or visit
11 the Secretary of State’s Web site at www.ss.ca.gov.”

12 (6) Contain, in a type size and color of ink that is clearly
13 distinguishable from surrounding text, a statement that the use of
14 voter registration information for commercial purposes is a
15 misdemeanor pursuant to subdivision (a) of Section 2194, and
16 any suspected misuse shall be reported to the Secretary of State.

17 (7) Contain a toll-free fraud hotline telephone number
18 maintained by the Secretary of State that the public may use to
19 report suspected fraudulent activity concerning misuse of voter
20 registration information.

21 (8) *Contain, in a type size and color of ink that is clearly*
22 *distinguishable from the surrounding text, a statement that it is a*
23 *misdemeanor for a person who assists someone to register to*
24 *vote to not complete the information, or to misrepresent their*
25 *assistance, in the assistor portion of the registration form.*

26 (9) Be returnable to the county elections official as a
27 self-enclosed mailer with postage prepaid by the Secretary of
28 State.

29 (b) Nothing contained in this division shall prevent the use of
30 voter registration cards and affidavits of registration in existence
31 on the effective date of this section and produced pursuant to
32 regulations of the Secretary of State, and all references to voter
33 registration cards and affidavits in this division shall be applied
34 to the existing voter registration cards and affidavits of
35 registration.

36 (c) The Secretary of State may continue to supply existing
37 affidavits of registration prior to printing new or revised forms
38 that reflect the changes required pursuant to this section, Section
39 2150, or Section 2160.

SEC. 2. Section 2159 of the Elections Code is amended to read:

2159. (a) Notwithstanding paragraph (1) of subdivision (b) of Section 2158, any person who, in exchange for money or other valuable consideration, assists another to register to vote by receiving the completed affidavit of registration from the elector, shall sign in his or her handwriting and affix directly on the affidavit of registration his or her full name, telephone number, and address, and the name and telephone number of the person, company, or organization, if any, that agrees to pay money or other valuable consideration for the completed affidavit of registration. Failure to comply with this section shall not cause the invalidation of the registration of the voter.

(b) *Any person who in exchange for money or other valuable consideration assists another to register to vote by receiving the completed affidavit of registration from the elector, and knowingly misrepresents himself or herself as having helped register another to vote on a registration form is guilty of a misdemeanor, pursuant to Section 18108.1.*

SEC. 3. Section 2159.5 of the Elections Code is amended to read:

2159.5. Any person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to any person who assists another person to register to vote by receiving the completed affidavit of registration, shall do all of the following:

(a) Maintain a list of the names, addresses, and telephone numbers of all individuals that the person, company, or other organization has agreed to compensate for assisting others to register to vote, and shall provide to each person receiving that consideration a written statement of that person's personal responsibilities and liabilities under Sections 2138, 2139, 2150, 2158, 2159, 18100, 18101, 18103, 18106, 18108, *18108.1*, and 18108.5. Receipt of the written statement shall be acknowledged, in writing, by the person receiving the consideration, and the acknowledgment shall be kept by the person, company, or organization that agrees to compensate that person. All records required by this subdivision shall be maintained for a minimum of three years, and shall be made available to the elections official, the Secretary of State, or an appropriate prosecuting

1 agency, upon demand. As an alternate to maintaining the records
2 required by this subdivision, the records may be filed with the
3 county elections official, who shall retain those records for a
4 minimum of three years. The county elections official may
5 charge a fee, not to exceed actual costs, for storing records
6 pursuant to this subdivision.

7 (b) Not render any payment or promised consideration unless
8 the information specified in Section 2159 has been affixed
9 personally on the affidavit in the handwriting of the person with
10 whom the agreement for payment was made.

11 (c) At the time of submission of affidavits to elections
12 officials, identify and separate those affidavits into groups that do
13 and that do not comply with the requirements of Sections 2150
14 and 2159. A signed acknowledgment shall be attached to each
15 group of affidavits identifying a group as in compliance with
16 Sections 2150 and 2159, and a group as not in compliance with
17 either Section 2150 or 2159, or both.

18 (d) Failure to comply with this section shall not cause the
19 invalidation of the registration of the voter.

20 SEC. 4. Section 18108.1 is added to the Elections Code, to
21 read:

22 18108.1. (a) Except as provided in subdivision (c), any
23 person who receives money or other valuable consideration to
24 assist another to register to vote by receiving the completed
25 affidavit of registration from the elector, and knowingly
26 misrepresents himself or herself as having helped register another
27 to vote on a registration form, pursuant to Section 2159, is guilty
28 of a misdemeanor, and shall be punished by a fine not exceeding
29 one thousand dollars (\$1,000), by imprisonment in the county jail
30 not exceeding six months, or by both the fine and imprisonment.

31 (b) Any person who receives money or other valuable
32 consideration to assist another to register to vote by receiving the
33 completed affidavit of registration from the elector, upon a third
34 or subsequent conviction, on charges brought and separately
35 tried, for misrepresenting himself or herself as having helped
36 register another to vote on a registration form, pursuant to
37 Section 2159, shall be punished by a fine not exceeding ten
38 thousand dollars (\$10,000), by imprisonment in the county jail
39 not to exceed one year, or by both the fine and imprisonment.

1 (c) This section shall not apply to any public agency or its
2 employees that is designated as a voter registration agency
3 pursuant to the National Voter Registration Act of 1993 (42
4 U.S.C. Sec. 1973gg), when an elector asks for assistance to
5 register to vote during the course and scope of the agency's
6 normal business.

7 SEC. 5. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution for
9 certain costs that may be incurred by a local agency or school
10 district because, in that regard, this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the
12 penalty for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition of a
14 crime within the meaning of Section 6 of Article XIII B of the
15 California Constitution.

16 However, if the Commission on State Mandates determines
17 that this act contains other costs mandated by the state,
18 reimbursement to local agencies and school districts for those
19 costs shall be made pursuant to Part 7 (commencing with Section
20 17500) of Division 4 of Title 2 of the Government Code.